9th August 1929]

* The hon. the PRESIDENT :—" Have the Government any objection to sit till 5-30 this evening, so that the motion may be taken up at 3."

The hon. Dr. P. SUBBARAYAN :—" I am afraid, Sir, we cannot sit till that time as we have already fixed up engagements for the evening."

* The hon. the PRESIDENT :—" The motion will then be taken up at 2-30 to-morrow afternoon."

IV

THE MADRAS UNIVERSITY (AMENDMENT) BILL.

* The hon. the PRESIDENT :—"I shall now put the amendments to the Madras University Amendment Bill returned by His Excellency the Governor to the Council for further consideration.

" The question is—

' *That in clause 2, sub-clause (ii), item (ee) be omitted and item (eee) be re-lettered as (ee).'* "

The amendment was carried.

* The hon. the PRESIDENT :—" The question is—

' *That in clause 15, Class III—Other members, sub-clause (4) after the words " second grade colleges ", the words " affiliated to the University " be inserted.'* "

The amendment was carried.

* The hon. the PRESIDENT :—" The question is—

' *That in clause 15, Class III—Other members, sub-clause (4) the words " and situated within the jurisdiction of the University " occurring at the end, be omitted.'* "

The amendment was carried.

* The hon. the PRESIDENT :—" The question is—

' *That in clause 22, Class II—Other members, sub-clause (5) the words " and situated within the jurisdiction of the University " occurring at the end, be omitted.'* "

The amendment was carried.

* The hon. the PRESIDENT :—" I think it is necessary to re-affirm the Bill as amended under the provisions of the Act. The question is—

' *That the Bill as amended be re-affirmed.'* "

The motion was adopted, and the Bill passed into law.

V

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1929-30.

GRANT VI—IRRIGATION—RESERVED.

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, on the recommendation of His Excellency the Governor, I beg to move—

' *That Government be granted a further sum not exceeding Rs. 300 under Grant VI—Irrigation—Reserved.'*

" Sir, this sum of Rs. 300 is made up of three items of Rs. 100 each, each of these amounts is the token sum to enable to undertake certain schemes

[Mr. A. Y. G. Campbell] [9th August 1929

which were not brought before the House at the time of the budget estimates for the year. The first of these schemes relates to the closing the Kodali gap in the Coleroon left flood bank. This bank was breached several years ago and hitherto has remained unmended. It is now proposed to repair it at an estimated cost of Rs. 1,40,000. The amount required for works this year is expected to be Rs. 15,000. The work is necessary for the protection of lands immediately in the neighbourhood of this breach in the flood bank and also incidentally to facilitate the inspection of the flood bank and measures for the protection of flood bank in times of danger.

12 noon. "The second item relates to the refund of certain amounts collected from ryots on account of charges incurred to carry out works which the Government rightly considered should have been done by kudimaramat labour. These works were carried out in connexion with two channels in the Coimbatore district. The legality of this levy was brought before the civil courts, and a decision was given in those courts that the Government should not have levied the charges in question. The amounts were repaid of course not only to those who brought the suits, but it was felt to be reasonable that the Government should also refund the amounts recovered from those who had not brought suits. The amount required for this purpose is Rs. 19,900.

"The third item refers to improvements in the upper supply channel to the Cholavaram and the Red Hills tanks. It is proposed to improve the channel by widening it at one portion of its course by 5 feet and at another portion lower down by 10 feet so as to allow certain drainage water to flow down it which now flows across the channel. The scheme is intended to improve the supply of water to this City. Mr. President, Sir, I move that this grant be made."

* Mr. A. RANGANATHA MUDALIYAR :—"Sir, I move—

'*that the allotment of Rs. 300 for Irrigation—Reserved—be reduced by Re. 1.*'

"Sir, I am not at all against the Government spending any money on the improvement of irrigation works even though there may not be what is called an adequate return on the amount spent on them. I think that the advantages that the ryots derive from the use of this water are far more important than the rupees annas pies which the Government may at times get on their outlay. In the present case, Sir, I find from the note placed before the House by the hon. the Revenue Member that there is no revenue so-called, expected from the expenditure of this amount. The claim of the Government now is that they are going to save some amounts which otherwise they would lose, and in calculating that, they have taken two or three things into consideration. They say that 600 acres of cultivable land would become liable to inundation, and they apprehend that the whole of those lands might be relinquished. But I should like to know how long these ryots submitted to the adverse conditions they are now labouring under, and whether they had at any time offered to relinquish those lands. If not, what is it that makes the Government think that they are going to relinquish those lands immediately this year or the next year?

"The second thing that I want to submit is this. The Board of Revenue says that the cost of the restoration of the flood bank, namely, Rs. 52,000 should be left out of account as that should be regarded as a repair rather

9th August 1929] [Mr. A. Ranganatha Mudaliyar]

than as an improvement. If during all these years the restoration was found unnecessary and irrigation has been going on as usual, then presumably there is no need for the restoration of the flood bank for the purpose of the irrigation which is now going on. If the restoration is now resorted to, it is only to effect an improvement. So, I think this should be properly treated as an addition to the capital expenditure. What I am concerned with is this. Here is a work which you consider necessary and you propose to spend an amount of over Rs. 52,000 on it, and this work is an improvement to the flood bank, say so and do it. We shall not object. But I do not think that this method of manipulation of the figures should be resorted to to give us the impression that there is going to be a return to the extent mentioned."

* Mr. K. V. R. Swami :—"I support this cut motion, Sir. It is very curious that this motion should be made at this time. The question has been pending for so many years since the year 1886. It has not been attended to for such a long time by the Government. Now, in 1920 an estimate was prepared to the extent of Rs. 25,950. Afterwards this estimate has developed to Rs. 1,15,000, and how the expenditure could go up like that it is not explained. It is only said that the original estimate has been found not to be sufficient. This is not a work which would produce any revenue at all as stated by my hon. Friend Mr. Ranganatha Mudaliyar, and it is also admitted in paragraph 2 of the note which has been circulated. The Government say that this work is required to prevent the possible loss of revenue, and it is not mentioned how much revenue was lost in each of the previous years, for how long and what is the average revenue that has been lost for a year.

"Now, there is another most important thing. It is no doubt a fact that on account of this gap certain lands were being flooded. But I submit that this should be welcomed by the other parties whose lands were submerged on account of this gap. Would it not improve the fertility of the land if there was this flooding, whether those ryots were not being benefited very much on account of the general flooding, was there any complaint from those people? These questions are not answered at all. All that is stated is that the people owning lands near the gap and whose lands are being eroded and on whose land sand is deposited, have been complaining. It is not stated what view the other ryots whose lands are being flooded through this gap take of this matter. So far as my experience goes, in very many places the ryots do welcome such flooding because they always say that silt will be deposited on their land and that it adds to the fertility of the land, and the crops are very much improved. For instance, in the Divi Island in the Kistna district people have been complaining that their lands are not now yielding at all on account of certain embankments, as owing to these embankments the lands are not being flooded. Instead of the produce being improved day by day, the yield is now getting very much lower because there is no flooding and there is no deposit of silt. And some people complain that they have become really paupers on account of this non-flooding of their lands. Has any information been obtained on these points? I was thinking that the Revenue Board is not doing any work at all, and year after year we have been complaining that these gentlemen of the Revenue Board hold sinecure appointments and that they do not do anything at all. But now I find they are doing very useful work. When they found that in regard to this matter they can get sufficient interest on the amount invested, they come to the rescue anp say that the whole amount should not be taken as included in this

[Mr. K. V. R. Swami] [9th August 1929

work but that about Rs. 52,000 and odd should be taken as the amount required for repairs to the flood bank, and so they say that the capital would fetch an interest of 6·3 per cent. This is a very curious argument. I wonder how they got this information and also this estimate. The Chief Engineer did not state anything of this sort. This matter does not appear to have been referred to in the report of the Board itself. The Board simply says that the figures could not be adjusted, and that the money should not be taken to have been spent for this work. This is what is stated by the Board :—

'The Board of Revenue is of opinion that, in judging the financial aspect of the scheme, the cost of the restoration of the flood bank (Rs. 52,000) should be left out of account as that should be regarded as a repair rather than an improvement.'

"I want to know what the basis is for this conclusion. Who stated that opinion? Are they experts in this irrigation business? I do not think they are. Of course, the I.C.S. men are supposed to be experts in everything in the world; but that is a different thing altogether.

"Another discovery made after so many years was, as stated in paragraph 4 of the note, the Chief Engineer for Irrigation and the Board also reported that besides preventing the submersion of the adjoining lands the embankment will be useful as a road and will facilitate the inspection of the channel and embankment during the flood season. I am afraid this is the real reason for supporting this work. They want to go very comfortably in their motor cars or motor cycles without any necessity of getting down here and there.. They give it as an additional reason for spending Rs. 1,15,000, as that will facilitate inspection. If there is a gap in the bund they will have to get down there, and they will have trouble. If this gap is filled up, they can comfortably travel, and so it is that they want to spend this Rs. 1,15,000, which is a small sum according to them. But there are very many important things to do. When lands and villages are submerged to a great extent and several thousands of acres are under submersion, the Government say they have no money. But when a matter is pending for the last 40 years and when no complaint was made by those people whose lands were really submerged, they propose to spend Rs. 1,15,000. The original estimate was only Rs. 25,000 and odd. Is it because the officers found that if an estimate was passed for Rs. 25,000, their conveyances could not go on the bank and they cannot comfortably inspect this place? So they wanted this big estimate. No question was raised about it in this House so far as I am aware, and no interpellations were asked about it. On the top of all these, is this fact that persons who are really interested in the matter, all those persons whose lands are stated to have been submerged are not complaining of the submersion at all. I think from what I know they do welcome this flooding. They like that their lands should be flooded and fertilized. So this expenditure would be really a waste. All those persons who have been benefited for all these forty years will certainly complain about this work, and they will say that their crops are failing and that they are not getting proper returns for the moneys they are spending. Under these circumstances, I support this motion."

• Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, Sir, the hon. Member Mr. Swami says that this was never a subject of discussion in the Council. Probably he is not aware of the fact that my Friend Mr. Narayanaswami Pillai on more than one occasion referred to the carelessness on

9th August 1929] [Mr. S. Arpudaswami Udayar]

the part of the Government in not repairing the breach. As one coming from the Trichinopoly district and therefore interested in the repairs to the breach of the embankment, I must here tell the House that the persons affected, namely, the owners of the six or seven thousand acres of land, have been putting up a persistent agitation to have these protective works undertaken; as they could not make that agitation felt except through this Council in the shape of token motions, the question was raised in this House by my Friend Mr. Narayanaswami Pillai.

"Another argument made use of by my Friend Mr. Swami is that people welcome the submersion of their lands on account of the deposit of silt. But I am afraid my Friend has forgotten to make a distinction here. Where submersion takes place slowly and gradually, what he says may hold good. But where the water flows rapidly, as is the case here, and the flood rushes at a torrent speed causing breaches here and there, the lands certainly become unfit for cultivation. Apart from this, there is always danger of these lands, which are submerged under water, becoming deteriorated on account of 12-15 p.m. water overflowing. Anyhow, the lands referred to and the owners suffer and are put to very great loss. That is why the hon. the Revenue Member, when he introduced this grant, spoke of the necessity also of protecting the bank. In other words, he has made out a case for such a protective work being undertaken. I know, Sir, that after the floods of 1923, there was a great deal of anxiety manifested by the people living in those parts, and once when I passed through that place several prominent mirasidars came and said that it was impossible for them to do anything and that they were annually incurring very great loss. My hon. Friend, Mr. Swami, is not in touch with the feelings of the people in those parts, and so, as an outsider looking at this from a distance, he has made statements which I must admit are far from being correct.

"Thirdly, Sir, he spoke of this matter having been under correspondence for a very long time and of no steps having been taken. Because no steps were taken for a long time in the past, it does not follow that no steps should be taken now to rectify the state of things, which ought to have been rectified much earlier.

"I must also take strong objection to one remark he made, namely, that these protective works are going to be undertaken not so much for the relief of the people affected by this breach, but for the convenient travelling of officers. I may assure him that there are roads from which those officers could have a very good view of all these things and which they may use. So, the real reason for which this protective work should be undertaken is not that officers may be enabled to conveniently alight from their motor cars or motor bicycles and inspect these places. The real reason, as I said, is that those people have been complaining about it often and often, and this matter has been the subject of interpellations and discussion on token motions in this Council.

"Sir, this matter has been long delayed, and should certainly be taken up as early as possible, and when Government are taking this up in right earnest, I find my hon. Friend from the Telugu districts is taking objection to what is a necessity for the ryot of the Trichinopoly district. Therefore, I think I should support the hon. the Revenue Member and oppose this cut motion."

[9th August 1929

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" Mr. President, I should just like to make one remark supplementing the remarks of my hon. Friend, Mr. Ranganatha Mudaliyar. I know personally that this work is certainly one which has been a longstanding grievance with the people. What I wish to say is this. I find from the remarks of the hon. the Member for Revenue that this is a remunerative work and so it will be carried out. Supposing it does not turn out to be remunerative, is it the intention of the Government not to undertake such a work? That is the point, I would like the Government to make clear. I think it will be upsetting the entire policy of Government that obtained for many years, if they start a new policy now, and say that works of this class should prove remunerative before they are undertaken. That seems to me a very serious matter, and I hope Government will clearly explain the policy in the case of works of this kind."

* Mr. T. M. NARAYANASWAMI PILLAI :—" Mr. President, Sir, I am also desirous to know from the Government on what principle they are now classifying works as remunerative and non-remunerative. At any rate, when the work is of such a nature as this, viz., very beneficial to the people, the Government should undertake such works although not remunerative. To classify a beneficial work as non-remunerative and then to refuse protection or relief to people will prove a great injustice to those affected.

" Now I am anxious to answer the doubts raised by my Friend, Mr. K. V. R. Swami. My hon. Friend, Mr. Arpudaswami Udayar has sufficiently answered them, and I believe it is better that I should also say a few words. He was asking whether there were people who benefited by this inundation, and whether there were a number of people who were willing to have their lands inundated by floods. As a matter of fact, there are no two sides or two classes of people with regard to this question, one desiring that the gap should be closed and the other desiring that it should not be closed. All the people of the locality have already been crying for the restoration of this flood bank and for the closing of the Kodali gap. As people coming from the district, we assure the people from other districts that this expenditure is not by any means a waste. The work is absolutely necessary, and we are feeling that the work has been begun very late in the day. But we console ourselves with the fact that the work has been taken up at least now rather than that it has not been taken up at all. The flood bank is certainly to be restored, and the improvements to the Karuppur Odai are also necessary, as also the construction of the culvert.

" With regard to the closing of the gap, there has been persistent agitation carried on for many decades, and it is a pity that the Government have not been keen in making up their minds earlier than now. Even after the budget session last year, myself and Mr. Arpudaswami Udayar and some other members of the district waited on a deputation on the hon. the Revenue Member, and it was, I believe, at our request that this scheme was accepted. Therefore, I would request hon. Members from all other districts to take it from me that it is not a waste of money, but an absolute necessity. I would ask also the Government not to apply the classification of remunerative or non-remunerative to this class of works, which are definitely of great benefit to the people concerned.

" With these remarks, I oppose the amendment, and support the grant."

9th August 1929]

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, the arguments put forward by my hon. Friend, Mr. Swami, have already been sufficiently answered by hon. Members from the Trichinopoly and the Tanjore districts. I presume he was speaking on theoretical grounds, and I would deprecate the application of such theoretical arguments in a case of this kind. It must, I think, be conceded that the question whether a flood bank should be constructed for the protection of land in the neighbourhood or whether a flood bank which has been breached should be restored should be settled on a consideration of the conditions existing in the locality. I would only add that the reports which we have received from our officers based on personal inspection fully bear out the remarks made by hon. Friends on this side as to the necessity for carrying out the repairs.

" As regards the financial policy on this proposal, Government are not at this moment introducing a new canon. We have put before the Council the facts known to the Government affecting the finance of the scheme. Our reports show that the ryots have retained the land liable to submersion owing to the existence of the breach because they hope that the breach will be repaired, and if they finally despair of getting it closed—if this grant is not made—the ryots are likely to relinquish the land. I cannot say whether it is proposed to restore the land to exactly the same condition in which it was when it was breached. In fact, the proposed measures probably provide for the better protection of the land behind the bank as the bank was cut by ryots to let flood waters off their land. The present estimates provide for a bridge over the Kodali and a culvert over another drain. The estimates provide for such works as are considered absolutely necessary."

* The hon. the PRESIDENT :—" The question is—

' to reduce the allotment of Rs. 300 for Irrigation—Reserved by Re. 1'."

The motion was put and lost.

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, you will see that this amendment is an attempt to reduce all the items (*a*), (*b*) and (*c*) by Re. 1. I thought you were specifically restricting the discussion to item (*a*) and deciding that matter."

Mr. A. RANGANATHA MUDALIYAR :—" May I explain, Sir? If I remember right, I gave notice of reduction of each of the three sub-items by Re. 1, and indicated the purpose for which I intended the reduction in each case. That is my memory. I may be wrong. I also thought that you allowed to move the reduction for each of the sub-items."

* The hon. the PRESIDENT :—" I will just verify the statement of the hon. Member, Mr. Ranganatha Mudaliyar, whether he has given notice of an amendment under each of the three items separately. If he has given notice under each of the three items, I am certain he is entitled to discuss the other items. In the meantime, there is another motion of Mr. Koti Reddi in respect of item (*b*), and it may be disposed of. I hope the office will soon be able to say what the actual notice was that was received from Mr. Ranganatha Mudaliyar. Before I decide whether the other motion is admissible or not, I want to know from Mr. Koti Reddi the exact object of his amendment. Here, according to the explanatory note circulated, I see that the Government are waiving the objection on the ground of limitation and refunding the amount collected to all the ryots concerned. That is the only principle, I gather, that underlies the demand. Simply because they have to make

[The President] [9th August 1929

12-30 p.m. a refund under the head of kudimaramat it has come under that head. Here you want to discuss the general principles of kudimaramat or propose an alteration of the law. First of all, it offends against the already accepted principle that general principles cannot be discussed on supplementary grants. The only principle I can see in this grant is that Government are waiving limitation. I am not able to see any other principle underlying this supplementary grant.

" The second thing is that we have already adopted the practice even in the Budget discussions that any proposals to change the law are not relevant to the budget discussions—a practice which is in perfect agreement with the parliamentary practice and the practice of other provinces. These are the difficulties that I wish to point out."

* Mr. K. Koti Reddi :—" I would only point out that this is really due to the decision of the court which has cleared a misconception of what the Government thought is applicable in a case like this. The subordinate officials thought that in a case like that the kudimaramat usage was applicable and they enforced it, with the result that the ryots had to go to a court of law. So, I submit, Mr. President, since there has been a misconception of the usage of the law, it will be better in the interests of the public that that misconception is cleared and a clear-cut law is passed and usages defined. If that is done, I believe there would not be ordinarily the necessity of going to a court of law and getting a decision."

* The hon. the President :—" Is it not offending against the rule that no proposed alterations in law could be moved on budget grants ? "

Mr. K. Koti Reddi :—" I am not proposing any alteration now. I am only pointing out the difficulties under which the Government subordinate officials are labouring and the necessity under which ryots are compelled to go to courts of law. I do not think I am at present proposing any alteration of law. It is for the Government to alter it or not."

The hon. Sir Thomas Moir :—" I want to point out that the idea underlying this particular motion is absolutely correct. It is not a question of whether there should be kudimaramat law or whether there should not be but whether in a case under any law where an appeal goes against the Government, the Government should take shelter behind a technical plea that it is not bound to refund to others whose position is exactly the same. It is purely a question of equity that we are discussing ('hear, hear'). Kudimaramat law or any other law is not in question. It happens that this particular case comes under kudimaramat law. A similar case can come under any other law. I venture to think that your ruling, or tentative opinion is indisputably correct."

* The hon. the President :—" I do not think it is desirable to allow the general policy of the Government or proposals for legislation to be discussed on this motion.

" I have just verified the office file and find that Mr. Ranganatha Mudaliyar has given a token motion under this head also."

* Mr. A. Ranganatha Mudaliyar :—" You will please find in the note under the motion for reduction, in (*b*), the following : 'To elicit information as to why the repairs mentioned in the note were treated as kudimaramat at first and the principles on which what is, what is not kudimaramat is determined.'

9th August 1929] [Mr. A. Ranganatha Mudaliyar]

"Sir, the note circulated to the House raises a serious point for consideration showing how light-heartedly Government treat costly repairs as works to be done by kudimaramat labour. No doubt, the Board's Standing Orders have a paragraph in reference to works to be done by kudimaramat labour. And in that Standing Order it is mentioned that such kinds of work as have been customarily done by the ryots should continue to be done by the ryots concerned. But what those works are should be determined with reference to each locality. As instances, the Standing Orders have mentioned several kinds of work which in one place or another might constitute customary labour. But I am inclined to think that instead of taking the trouble of finding out with reference to each locality what is the customary work there, they are blindly enforcing the rule that all those kinds of work which are mentioned as illustrations are necessarily such as should be got done everywhere by kudimaramat labour. It is because Government have gone on that basis that they have, I think, landed themselves in this trouble; and they are now put to the necessity of refunding the amounts collected from the parties. For example, you will find that the courts have held that even the work of removal of silt is not a customary piece of work to be done. But the Government go very much further and say that ryots should cut open the bunds, or lay open the sluices to find out where they are leaking and that ryots should attend to the repair of supply channels, extending over many miles. I think that this is interpreting the law with reference to kudimaramat in a way the authors never contemplated. I therefore want the Government to tell the House how the mistake was committed, and what principles they have for their guidance in determining what is and is not kudimaramat labour and whether they have changed their policy hereafter in regard to the particular work under consideration and other works. So, I move—

'*To reduce the allotment of Rs.* 300 *for Irrigation—Reserved by Re.* 1'."

* Mr. C. R. Parthasarathi Ayyangar:—"Mr. President, there are two districts I know of in this Presidency, namely, Coimbatore and North Arcot, where two sets of ideas prevail regarding this matter of kudimaramat. A kudimaramat case came up before the Coimbatore District Munsif, and he decided that the ryots are not responsible to keep the channels then in question under repair. But what is now actually going on in North Arcot is that circulars are being issued, and the ryots are compelled to remove the prickly-pear and other rank growth on tank-beds, and if they do not remove it they say the procedure will be to recover the money from the ryots in the first instance and then remove it. That is what is going on. The matter came up very recently before the District Munsif at Tiruppattur in O.S. No. 459 of 1928, and there the question was raised whether prickly-pear or other rank growth was to be removed by ryots of a certain village. The monigar and the karnam said that it was not the local custom, and that the charges could not be recovered from them under the Madras Act I of 1858. But the District Munsif decided against the ryots. So, the question has become a matter of importance. In the Standing Orders, it is distinctly stated that the removal of prickly-pear and other rank growth allowed to accumulate for years ought not to be done at the expense of the ryots, but it is to be done at the expense of the Government. Curiously enough, that portion of the Board's Standing Order is now removed from the latest edition of the book, that is to say, the instructions given to the subordinate officers in 1868 are now omitted. One would like to know what the policy of the Government on this matter is."

[9th August 1929

The hon. Mr. A. Y. G. CAMPBELL :—" Is not the hon. Member going into the particular point which you overruled, Sir ? "

* The hon. the PRESIDENT :—" I am watching."

* Mr. C. R. PARTHASARATHI AYYANGAR :—" The question now is we have one set of laws in the Coimbatore district and another set of laws in another district. What is the construction of Madras Act I of 1858 ? It is an old antedeluvian Act which must be taken away from the statute book. It speaks of a village community where there is none, it speaks of a local custom where there is none, and wants the law to be administered according to the local custom which might have existed in a village in 1858. Therefore it is a practical difficulty which is facing the Government. There is another state of affairs in North Arcot. Several tahsildars have been examined, and they gave evidence saying that they are entitled to call upon the ryots to remove the prickly-pear on the tank-beds, and they can compel them to do it. As a matter of fact, any objection raised by the ryots is vetoed and the whole money is collected as if it were an arrear of land revenue under the Madras Act of 1864. No objections are being allowed to prevail. So, in Coimbatore district there is one set of laws and in the North Arcot district another set of laws. Therefore, it is incumbent on the Government to make a definite declaration as to what is meant by kudimaramat and what is not. They must also see that separate registers are kept for these purposes. What the ryots are expected to do is slight repairs, removal of silt and such like things. That can be done because it is to their interests. But to ask them to remove prickly-pear and other growths which have accumulated for 20 or 25 years is not desirable as it would involve them in heavy expenditure. It is therefore highly incumbent on the Government to repeal the Madras Act I of 1858 or issue at least executive orders to their subordinates to state what exactly is meant by kudimaramat and what is not.

12-45 p.m. " In no diglott prepared in 1916 you find any mention as to what is meant by kudimaramat. The Coimbatore District Munsif therefore decided a case on the simple principle that as the diglott register did not contain mention of what is meant by kudimaramat the removal of silt from the channel as a piece of kudimaramat could not be recognized. The present Munsif however says that, though local witnesses come forward and say that there is no local custom and that nothing of the kind is mentioned in the diglott register, Government have a right to force the people to pay. As the poor people cannot stand the expenses of an appeal, they submit to such decisions, and therefore the local custom of 1868 is prevailing. This is like putting the cart before the horse.

" Sir, the trouble does not end there. The courts in deciding these cases against the ryots allow the amount to be recovered as arrears of revenue. Officers who issue orders of this kind are made deputy collectors the next day. That is not the way in which the whole system of kudimaramat ought to be administered. It has created a lot of heart-burning, and it is in view of these things that Dr. MacClean said that you ought not to call upon the ryot to do kudimaramat which is a misnomer for the removal of prickly-pear existing for the last 20 or 30 years. You can only ask him to make sundry repairs which cost him nothing. To call upon him to remove the prickly-pear on tank-beds, etc., which has been allowed to grow unchecked for 20 or 30 years as kudimaramat is a sheer misnomer. I therefore request Government to be

9th August 1929] [Mr. C. R. Parthasarathi Ayyangar]

pleased to issue definite instructions in this matter. This same subject came up before the Council about two years ago when the Government promised to look into it. They have not so far fulfilled their promise. I therefore request the hon. the Revenue Member to give this matter his immediate attention and ease the lot of the suffering ryots. Sir, the tahsildars as a matter of course recover from the poor ryots the cost of the removal of prickly-pear. They are made to do it or pay for its removal. I appeal to the hon. Member to see that this ante-deluvian legislation is set right at once. Sir, according to the old Act, there is local custom in this respect. But who is to determine the local custom? The munsifs do not know the local customs. The Revenue officer may sit here and pass orders. They make no local enquiries and no evidence is at all taken. Under these circumstances, I request the hon. the Revenue Member to give this matter his immediate attention and issue definite instructions to the Collectors and their subordinate Revenue officers so that they may not be under any wrong impression as to what is meant by kudimaramat."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, the hon. Mover of this motion asked for some information as to why there is this recovery of charges due to kudimaramat. Sir, the only answer that I can give him is the money value of the customary labour supplied by the people of the locality for clearing silt, etc., from the channels in the neighbourhood. If a ryot has any grievance in this respect, he can obtain a decision from the court as to whether the Kudimaramat Act applies to this particular case.

" The seconder of the amendment referred to some tank in North Arcot from the bund of which the ryots have been asked to remove prickly-pear. I am afraid I have no information regarding the particular case he has in view. But on the general question I may say that we endeavour to see that the Act is not worked unfairly. But it must be remembered that it is a beneficial measure to ask the ryots to do petty works such as clearing tank bunds every year. If we were to ask the Public Works Department or Minor Irrigation department to attend to these things, they would necessarily take a long time and the repairs would not be done so expeditiously. I hope that for these reasons the amendment will not be pressed."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I am very glad and I congratulate the Madras Government that they have after all recognized that there is something like equity in the dictionary of the English language. The hon. the Revenue Member must also be congratulated for admitting that this Council sometimes pleads for justice. Sir, one hon. Member was speaking of North Arcot. I do not know much about that district, but I feel that the hon. the Revenue Member might have gone a little further regarding my district and admitted that his subordinates had been doing something illegal in collecting money for this very purpose. Whatever may be the Standing Orders of the Board of Revenue, so far as the Coimbatore district is concerned, the settlement registers contain information as to what matters come under the term 'kudimaramat' and what not and certainly silt removal or the removal of prickly-pear do not come under that category. Therefore when the Revenue subordinates asked us to pay for this purpose, some of us refused and they threatened us and in one or two cases used the provisions of the Revenue Recovery law in respect of attachment. Thereupon these sums were paid under protest. Then some of the villagers filed test suits. As the settlement registers did not mention as kudimaramat the removal of prickly-pear, etc., the District Munsif decided the cases in favour of the ryots and the Government

did not think it desirable to file appeals against those decisions. Sir, equity demands that on the amounts collected from the ryots interest should be added and paid. No plea of limitation should be raised. When the ryots are made to pay interest on the taxes and cesses remaining in arrears, why should not they get interest on the sums payable back to them. It was on 16th March 1928 when this question came up and I charged the Government with dishonesty in not paying back the money collected from the ryots. And the Revenue Member of the time promised to enquire into the matter and I am glad to see that he enquired into the matter and has come to a right conclusion. I therefore strongly support the motion.

" So far as the question of interest is concerned, equity demands that when we pay large sums of money under protest collected wrongly, and this money lies in the coffers of the Government for six or seven years, the Government must pay interest from the date of payment to the date of repayment. I appeal to the hon. the Finance Member's conscience—and he is the keeper of the conscience and the purse of the Government—whether equity does not require that he should pay some interest. I appeal to the Government not only to grant this sum, but to come again with some more supplementary grants of this kind."

Khan Sahib T. M. MOIDU SAHIB Bahadur :—" I move that the question be now put."

* Mr. K. KOTI REDDI :—" Sir, it is clear that what is now being discussed is the law, custom or usage with regard to kudimaramat. The law on the subject is so uncertain that even the subordinate officials of the Government, in spite of their desire to do justice, have failed to do so. The hon. the Revenue Member no doubt promised us that he would see that this custom or usage does not work hardship. But the real difficulty is to know what this custom or usage is. The subordinate officials in Coimbatore, without knowing what the particular custom is at that place, are enforcing it. There are no definite instructions about it and nowhere has local usage or custom been recorded. I believe the Government promised us some two years ago that an attempt would be made to make a record of what items come under the term 'kudimaramat' at various places. I do not know whether anything has been done in that direction. For my part, Mr. President, I do not believe that at this stage the Government would be able to get definite and reliable information on this custom or usage. If the Government officials go to the village and ask the villagers what the local custom is, the villagers who are interested in the matter would naturally say that no such custom exists; while, on the other hand, the officials who would be consulted would say that this or that custom existed where none may exist. The real fact is that the enforcement of this custom or usage at present, even if it existed years ago, is so unfair and inequitable that nobody could be persuaded to speak the truth in the matter; and I believe we have in this Council more than once expressed a desire to see that the whole thing is put an end to. Sir, the Revenue Member might perhaps turn round and say: 'Then what is the substitute for this customary labour'. I agree with him that in the matter of the execution of small works, the help of the villagers is desirable and necessary in its execution and it would be better not to entrust such minor works to the Public Works or other Government departments for execution."

The hon. the PRESIDENT :—" I am afraid the hon. Member is travelling beyond the scope of the motion on paper."

9th August 1929]

Mr. K. Koti Reddi :—" I hope the hon. the Revenue Member will see that the time for the abrogation of all these inequitable local customs has come. If he does not, I hope he will at least see that local usages in each village are properly defined and recorded and no mistake similar to the one committed in Coimbatore is committed in future."

The House then adjourned for lunch.

After Lunch (3 p.m).

* The hon. the President :—" I may announce for the convenience of hon. Members of this House that the Council sittings will come to a close to-morrow evening as the Government do not propose to continue with its agenda if anything remains unfinished."

Mr. C. V. Venkataramana Ayyangar :—" May we know, Sir, when we are likely to meet next time ? "

* The hon. the President :—" We will meet again on the 24th September."

Mr. G. Harisarvottama Rao :—" I am sorry to take up more time upon this particular amendment, but I feel constrained to do so because of the importance of the subject. My Friend the Mover of the amendment, the hon. Member from Bellary, made it clear as to what information he required. He definitely stated that he wanted to elicit information as to why the repairs mentioned in the note were treated as kudimaramat, and the principles on which whether a repair is or is not a kudimaramat repair is determined. I very carefully heard from the hon. the Revenue Member what he had to say, but I am sorry to say no reply has yet been given to these two points raised by the hon. Member from Bellary. Time after time attempt has been made on the floor of this House and outside to find out exactly what are the principles involved in matters like this. We are told in the note that when this kudimaramat business was taken up and money recovered from the ryots, they went to courts and contested the action of the Government and the Courts decided against the Government and certain refunds were made. As we have all heard from the hon. Member from Coimbatore, when objection is raised with regard to the recovery of money from other people, the Government comes out with its sense of equity to make good the money that was recovered from the other ryots involved in the affair. The amount stated here is Rs. 19,897 though the motion is merely a token motion. I shall not now discuss about the nature of the motion, but I content myself with saying that this is a large amount, and until the Government is in a position to tell us on what principles they first of all levied this amount on the ryots we shall not be able to know exactly what the Government would be doing in instances like this. We shall not be able to know exactly what the right of the ryots would be according to the Government even after this decision. The Court has come to a decision in a certain way, and when that decision is obtained the Government is willing to refund the money. But the Government are not willing to tell us what exactly was the principle, what exactly was the nature of the work that was considered to be kudimaramat work, and why these officials in the first instance charged this as a kudimaramat repair."

The hon. Mr. A. Y. G. Campbell :—" I have already stated that it is mentioned in the note that 'clearance of silt and removal of prickly-pear are treated as kudimaramat repair."

[9th August 1929

Mr. G. Harisarvottama Rao :—" I realize that it is in the note and that it is mentioned as having been charged for this purpose. But I want to know whether those purposes have been accepted by Government as kudimaramat and under what conditions such works are accepted as kudimaramat and whether they are enforcing such conditions elsewhere or anywhere and whether they have changed the principles subsequent to a decree of this nature. All these things have not been made plain to us. Attempts to get even legislation have been frustrated. As you know, I sent in a Bill on the kudimaramat question, and I could not get the sanction of the Governor."

* The hon. the President :—" I do not think the hon. Member is in order in referring to that point now. I would request the hon. Member to confine himself to the achievements of the Government."

Mr. G. Harisarvottama Rao :—" I shall confine myself to the achievements of the Government. I thank you for the suggestion.

" Sir, they have achieved something as a result of this decree. Are they going to achieve such results in future also or are they going to formulate any principles on which these things have to be done and be done with them once for all? These are the real questions at issue, and the hon. the Revenue Member has not answered us on the point. There are a large number of things involved in this kudimaramat affair and as long as the Government does not give us a clue as to what their position is with regard to it, it is very difficult for the ordinary ryot to understand whether and when he has to pay to the Government. He is compelled by the Revenue Department to pay. He is compelled in many cases to go to a court of law. He has not got the equipment to go to a court of law and in all such cases grave injustice is being perpetrated.

" Sir, to the various questions put by the hon. Member from Bellary very insufficient answers have been vouchsafed. I hope time will not be very far when we shall hear exactly what the policy of the Government is in these matters. Reference has been made to the imperfect way in which information is vouchsafed to us, the representatives of the people, and that the ryot cannot easily get the Government to understand his difficulties. We want information on all these points. I hope the hon. the Revenue Member will tell us not merely in reference to this particular subject but in reference to the broad principles involved in this particular subject, viz., the principle upon which certain repairs are considered kudimaramat and others not."

* Diwan Bahadur R. N. Arogyaswami Mudaliyar :—" There is only one point to which I should like to refer and that is, what exactly is 'kudimaramat'? It is stated to mean 'customary repairs' or what? I am speaking from a great deal of personal experience and the word 'customary repair' has not been properly defined. In this matter the Collectors are given the discretion to decide what are customary repairs and what are not. I think the matter cannot be arbitrarily settled. Even in the Public Works Department estimates these difficulties arise. For instance, estimates are made for clearance of silt. The question very often arises whether the cost of clearing this silt ought to be met by the Government or by the people. There are cases where the people are asked to pay for the clearance of silt. In this connexion I may say that several channels and works of that nature lie not within the border of one village, but within the jurisdiction of several villages. It is almost impossible to enforce the provisions of the Kudimaramat

9th August 1929] [Mr. R. N. Arogyaswami Mudaliyar]

Act on several villages. We do not know what customary repairs are. It is impossible to get a number of people of many villages to carry out this class of work."

* The hon. the PRESIDENT :—" I am afraid the hon. Member is going into the broader question of kudimaramat instead of confining himself to this particular motion and the repayment of the amounts collected."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" I shall illustrate my point by taking the Chitrachavadi channel. This channel lies in a number of villages and it is impossible in a case like this to apply the Kudimaramat Act. The courts have come to a decision against the Government. All that I say is with a view to avoiding a similar trouble in future, it is better that Government comes to a definite decision as to what is kudimaramat."

Mr. R. SRINIVASA AYYANGAR :—" Sir, I endorse every word that fell from the lips of my hon. Friend, Mr. Arogyaswami Mudaliyar. This kudimaramat custom has been a vexed question for ever so many years so much so that, year in and year out, at the time of the annual jamabandi ryots present petitions after petitions to the jamabandi officers with no satisfactory results. Two years ago in Ginjee taluk there were loud complaints that a large amount was collected in this way, and when the matter was brought to the notice of the Collector, he felt himself powerless. I think, Sir, that the Government should make up their mind to give us a comprehensive definition of *kudimaramat* instead of leaving it to the individual whims and idiosyncracies of each Revenue Divisional Officer, or the Collector, or the jamabandi officer as the case may be, to decide what customary labour or ryots' labour, or work of the ryots means. What is customary labour in one portion of the taluk may not be customary labour in another portion of the taluk. I think it is time that some solution is made to get over this difficulty which will satisfy not only the interests of the Government but will also give immense satisfaction to the ryots concerned. I find the following in the explanatory note :—'The Government consider that, inasmuch as the civil courts have held the collection to be illegal, it would be proper to refund the entire amount which has been collected in the case of both the channels and which has not yet been refunded.' May I ask the hon. the Revenue Member to extend his sympathy further to the other districts as well where similar instances have occurred and where similar collections have been made, to take necessary steps, and to see that the amounts thus collected are refunded to the parties concerned as a matter of equity, as a matter of fair play and as a matter of bare justice? Doubtless the ryots so far as these two channels are concerned will be grateful to the Government and there is no reason why the Government, in their generosity, should not refund the amounts collected likewise from other people and earn likewise the gratitude of a large number of people of the various districts concerned. I only appeal to the Government to view this matter in a sympathetic spirit and also to amend the Standing Order or to issue executive instructions in such a way as will give a quietus to all these controversies which have been raging for some years past."

3-15 p.m.

* Mr. A. PARASURAMA RAO :—" Mr. President, Sir, if there is any significance for the word 'uncertainty' in matters revenue, I find this is an instance in which uncertainty has been exemplified very much because the

[Mr. A. Parasurama Rao] [9th August 1929

Government authorities were responsible for charging kudimaramat rates in these instances. They have now admitted that they have committed a wrong and that they are prepared to refund the amount. Is it too much for any one now to ask them to commit themselves to a particular position and to enunciate actually for public information as to what they mean by the word 'kudimaramat'? It has been misunderstood for a long time in every district and it is left to the underlings and the lower subordinates of the Revenue Department to interpret as they please this word because if the villagers are in the good graces of the karnam or the village headman he would at once recommend to the tahsildar and say that a particular work does not come under customary labour; but if they happen to offend the karnam, he would at once say that these people ought to be mulcted with the cost of the repairs . . ."

* The hon. the PRESIDENT :—"I am afraid the hon. Member is widening the scope of the debate."

Mr. A. PARASURAMA RAO :—"The mistake has been committed on account of want of sufficient explanation or clear definition which the Government ought to have given because it is not confined to one particular district or to one particular village; every ryot has been labouring under this difficulty; village after village suffers. These are the only instances in which the villagers have been fortunate enough to get a civil court decision in their favour; but there are people who are suffering in silence without knowing what exactly the Government mean by the word. If the Government are prepared to approve of the civil court's decision that has been passed in this case, they should say so as there are certainly many more instances of this kind where people have been levied unnecessarily kudimaramat charges and they have sufferred very much on that account. From that view-point I say, Mr. President, that this becomes a very important question especially so when it is left to the underlings of the department, the karnam or the village headman, to decide the matter and as their word carries greater weight with the higher authorities. I dare say this is a very important question which ought not to be neglected. That is the very reason why I impress upon the hon. the Revenue Member to give his best attention to this subject so that the poor villagers and the dumb millions who are not cared for, who are at the mercy of the lower subordinates of the Revenue Department may be helped and may know their real position. That is the very reason why I have taken the responsibility of making these remarks though I never wanted to take part in this discussion. I know very many instances in my district where the ryots suffer on account of the payment of these charges because there is controversy between the Government and the ryots as to the real meaning of the terms. The ryots of a village in my district wanted to contest that it was not customary labour; they wanted to refuse to repair the channel. The ryots are therefore not able to cultivate the lands for years together. They refused to repair the channel and the Public Works Department also persisted in not getting the channel repaired. In that way cultivation suffered; the ryots had to go without cultivating their lands for many years. I request the hon. Member to consider . . ."

* The hon. the PRESIDENT :—"I request the hon. Member to come to Coimbatore."

9th August 1929]

* Mr. A. Parasurama Rao :—" By way of analogy I have been pointing out that the ryots in my district have been put to so much difficulty. Otherwise I would not have pressed these points. In order to convince the hon. the Revenue Member of the hardships the people are suffering I have brought these instances to his notice. Unless I bring home to him these difficulties and the momentous import that they carry, I do not think he will pay the attention necessary to enunciate the words properly. It is only for that purpose that I am perhaps repeating some of the arguments already advanced. I am sure that this matter will bear any amount of repetition because it is not given to the inarticulate people and the dumb millions who are suffering in silence to bring these facts very forcibly to the notice of the Revenue authorities because the highly paid officers do not know what is being done in the villages. They simply think that there is customary labour, and the Collector and other officers are guided by the subordinate officials. They take it for granted that there is customary labour and the whole thing goes on as a matter of course. I may at once tell you, Sir, that it is not within the possibility of this villager or that villager or a group of villagers to go to a civil court and fight against a mighty Government. Very few people can afford to do so. It means lot of trouble, lot of expense and lot of inconvenience to so many people. From that point of view it is not too much for me now at least to request the hon. the Revenue Member to stand up in his seat and say that this is my policy and that this interpretation ought to be given to the words and no other. In spite of the fact that the Kudimaramat Act itself does not refer to removal of prickly-pear and silt and other kinds of labour are somehow or other brought under this head, I fail to understand how the Government can justify their position now. If suits are filed in every instance, then the poor ryots would have justice. But as I have already said, unfortunately the poor ryots are labouring under so many difficulties and they are not able to vindicate their just rights by resorting to courts. That is the reason why I request the hon. the Revenue Member to take trouble even though it may be late—half a century has elapsed since the Act was passed—to see the justice of the cause of the poor ryots and enunciate what the words mean."

* Mr. T. Adinarayana Chettiyar :—" Sir, I welcome this debate for this reason. On two occasions I gave notice of a resolution for the repeal of this obnoxious Act. The ballot box was always very unkind to me . . ."

* The hon. the President :—" If the ballot box was very unkind to him in the past, I have to be unkind to him on this occasion." (Laughter.)

* Mr. T. Adinarayana Chettiyar :—" My interest in the debate is this. North Arcot district suffers from both the kinds of kudimaramat trouble. All the irrigation works are silted up to a height of 22 or 23 feet and as regards prickly-pear even the bed of the river Palar—a river which is proverbially said to have been flowing with milk if not also honey—is now a vast bed of prickly-pear. Along with the ryots of Coimbatore whose question is now before the House, I wish to tell the hon. the Revenue Member and through him the Government of Madras that this is a very sore question from which the ryots of the greater portion of this province are suffering. There has been much trouble about the definition of the word 'kudimaramat.' But one thing is certain; those conditions which existed half a century back when such works could be carried out by the corporate communal life of the village have now passed away. Therefore it is the duty of the Government to shoulder the responsibility now. But what is the procedure ?"

[9th August 1929

* The hon. the PRESIDENT :—" I am afraid the hon. Member is widening the debate. I request the hon. Member to come to Coimbatore."

Mr. T. ADINARAYANA CHETTIYAR :—" Even three years ago, in Coimbatore the charges levied were at first Rs. 1-2-0 per acre. The total involved amounted to a very large sum. Luckily those ryots took care and they got a decision in their favour. My hon. Friend from Chittoor told us how a District Munsif in another district gave a decision which is at variance with that given by the District Munsif of Coimbatore . . ."

* The hon. the PRESIDENT :—" The hon. Member is repeating the arguments of another hon Member."

Mr. T. ADINARAYANA CHETTIYAR :—" If the fate of the ryots has to depend upon the vagaries of different District Munsifs in different parts of the Presidency, we can understand how precarious is the fate of the ryot. Therefore I appeal to the hon. the Revenue Member to consider this question not as one affecting only Coimbatore but the whole province and to come forward with a liberal and sympathetic policy as regards the question of kudimaramat. It is on this matter that the prospriety, the well-being, nay, the very existence of a large number of ryots in this province, depends.

" As regards Board's Standing Orders—that is a big volume which nobody is able to understand—slips are issued every other day and the slips outnumber the pages of the original volume so much so many hon. Members of this House including myself have almost despaired of getting anything from that volume.
3-30 p.m. Moreover, all the changes introduced from time to time—and the changes are in all conscience very many—are against the ryot. Take, for instance, the question of remission . . ."

* The hon. the PRESIDENT :—" I am afraid the hon. Member is proceeding farther than necessary. He has left kudimaramat and is entering the question of remissions."

Mr. T. ADINARAYANA CHETTIYAR :—" Sir, therefore as the Standing Orders are very elusive and misleading and always tending towards the exploitation of the innocent ryots, I think it is time considering the widespread nature of the grievance, that Government come forward with a sympathetic policy at once and without delay."

Mr. V. CH. JOHN :—" I move, Sir, that the question be now put."

* Mr. S. SATYAMURTI :—" Mr. President, Sir, this is a token demand which is being made before the House under the new proviso to sub-rule (1) of rule 32 which says:

'Provided that when funds to meet proposed expenditure on a new service can be made available by reappropriation, a demand for the grant of a token sum may be submitted to the vote of the Council and if the Council assents to the demand, funds may be so made available.'

Sir, in the explanatory note you will find that the only statement on the financial aspect of the proposal is :

'The amount so to be refunded is Rs. 19,897. This can be met from the sanctioned appropriations for the year under Grant VI.'

Sir, if you will kindly turn to the Devolution Rule governing reappropriations, rule No. 38 says that the Finance Department shall have power to sanction . . ."

9th August 1929]

* The hon. the PRESIDENT :—" Is the hon. Member raising any point of order ? "

Mr. S. SATYAMURTI :—" No, Sir ; I am merely submitting to the House, but I should like you to follow, if you do not mind :

'The Finance Department shall have power to sanction any reappropriation within a grant from one major, minor or subordinate head to another.

'The Member or Minister in charge of a department shall have power to sanction any reappropriation within a grant between heads subordinate to a minor head which does not involve undertaking a recurring liability provided that a copy of any order sanctioning such a reappropriation shall be communicated to the Finance Department as soon as it is passed.'

I put it to my hon. Friend the Revenue Member, that his explanatory note is defective, in so far as it does not point out by what means of reappropriation he is going to get this sum of Rs. 19,897. He must state to the House, before he can ask the House to assent to the demand, whether he is going to do it as a Member in charge under rule 38 (1) (*b*) of the Devolution Rules, or whether he is going to approach the Finance Department under rule 38 (1) (*a*) to sanction the appropriation from one head to another ; or is he going to sanction it himself from one subordinate head to another subordinate head ? I think, Sir, the House has a right to know from my hon. friend the Revenue Member the financial implications of the proposal.

" My next point, Sir, is this : this rule contemplates only a new service on which money can be spent. What is this new service ? Is it the service that Government should, on wrong legal advice, put up untenable defences before courts of law, charge ryots without knowing exactly the relative rights and liabilities of the Government and the ryots, lose their case in the courts and then come to the Council and say 'We were wrongly advised, we did not know our own rights and liabilities or other people's rights and liabilities ; therefore please pay us this money'. I should like to know what is the new service for which this sum is asked.

" Then, Sir, the explanatory note says that 'the charges on account of the clearance of silt from the Chitrachavadi channel and of the removal of prickly-pear and clearance of silt from Kuniyamuttur channel in the Coimbatore district, had been collected from the ryots concerned under the provisions of Madras Act I of 1858.' Sir, the only relevant provision in that Act under which the ryots can be called upon to pay this money is section 6 of that Act:

'Whenever by a local custom any work for the purpose of irrigation or drainage or connected therewith is usually executed by the joint labour of a village community, any person bound by such custom to contribute labour to such work who neglects or refuses, without reasonable cause, to comply with the requisition for such customary aid made to him by the head of the village under the orders of the Tahsildar or other superior revenue officer, shall be liable to pay a sum equal to twice the value of the labour which he is bound to contribute.'

" I ask my hon. Friend to state what the local custom is in this Coimbatore district under which the Government charged these unfortunate ryots with, I believe, twice the value of the labour which they were bound to contribute for these two purposes. Did the Government or do the Government have any records or any other evidence to show that with regard to these two works, there is a local custom prevailing in that part of the Coimbatore district, which makes it obligatory on the part of these people to contribute their labour free ? And had they satisfied themselves before they charged them, that they neglected or refused to do this work without reasonable

[Mr. S. Satyamurti] [9th August 1929

cause? And what is the exact value of the labour, and how did they arrive at this figure of Rs. 19,897? How much of it represents the value of the labour and how much of it represents the cost incurred in unsuccessfully defending this litigation in courts of law? Did they take competent legal advice before they entered into this litigation? Whose was the advice, and why did they not take better advice before they entered on defending these suits?

"Then, Sir, as regards the question whether this Government should go on enforcing an Act as old as 1858, I want to put it to my friend whether this Government is bound to enforce this Act. I am not entering on the question of suggesting better legislation, Mr. President, as I am bound by your ruling, but I am only giving suggestions for better legislation. But apart from that, Mr. President, this Act does not make it obligatory on the Government to go about enforcing this labour and payment from those unfortunate people of twice the cost of labour which they are bound to do by custom. After all, Mr. President, this law was perhaps appropriate at a time—because it is as old as 1858, about seventy years ago—when village communal life was strong and when villagers had the common feeling of taking a common share in the sorrows and the joys of the village. Then, I can understand, the village community may be asked as a matter of custom to take its rightful share in the repair of irrigation and drainage channels. But, Sir, seventy years have passed and even in the comparatively dry district of Coimbatore, much water must have flown down the bridges there. Village communal life has been partially, if not wholly, destroyed by modern revenue laws and modern Abkari laws, and the villages remain there, more as remnants of a past that has disappeared, than as living communal units. I put it to the Government whether it is right and expedient that in the case of these villages where the communal life has ceased to exist, at any rate with the same force with which it existed seventy years ago, when this Act was passed, that they should compel these unfortunate people to do this labour, and then extract this enormous amount of money from them.

"Moreover, Sir, if the Government should do it, I should like to know what the policy of the Government is with regard to this matter. Do they insist upon customary labour in all cases of irrigation and drainage repairs? If so, have they got a list of the villages or the groups of villages in respect of which local custom has been established to the effect that such labour has got to be contributed by the people of the village? I should like to know further whether the Government desire to perpetuate this somewhat primitive policy of leaving it to the villagers either to do or not to do this work, then waiting for them not to fail to do the work, and then do it at their own cost. Do or do not modern canons of labour require that we should, as far as possible, get this labour done in the interests of the whole district or the whole provinces? And after all, as my hon. Friend the ex-Minister pointed out, these drainage and irrigation channels or sources are sometimes common to more than one village. How are you going to enforce the common labour of more than one village? And even these, I am reminded by my hon. Friend from Coimbatore (Mr. C. V. Venkataramana Ayyangar), belong to two or three villages. Under those circumstances, Mr. President, it seems to me that the Government must have a policy of their own in regard to this matter. I venture to submit to the Government that the best policy would be not to rely upon this ante-diluvian section of this ante-diluvian Act, but to deal with it under the economic law of supply and demand. Either these

9th August 1929] [Mr. S. Satyamurti]

repairs have got to be done or they have not got to be done, let us once for all deal with it, as if it is labour which the Government is bound to do in the interests of the whole district or the whole province. Whether this work is done or is not done, the resulting suffering or the benefit is not going to be confined to that village; it is going to affect other villages also down the channel. For all these reasons, I think, unless the Government come forward with a clear and definite statement of policy first with regard to the financial implications of the proposal, and second, with regard to the nature of the new service on which they contemplate spending this money and last but not least, their policy with regard to the enforcing of this kudimaramat section of an Act of 1858, the House will be entitled to vote for this reduction motion."

The hon. the PRESIDENT :—"I think the House is ready for a vote.

"The question is to reduce the allotment of Rs. 300 for 'Irrigation—Reserved' by Re. 1."

The motion was put and lost

*Mr. C. N. MUTHURANGA MUDALIYAR :—"Mr. President, Sir, I beg to move—

'*that the allotment of Rs. 300 for "Irrigation—Reserved" be reduced by Re. 1*',

with a view to discuss the necessity of modifying G.O. No. 205, Irrigation, dated 21st May 1908, so as to suit the changed conditions and to meet the present requirements of the ryots under the Cholavaram and Red Hills tanks.

"Sir, I am heartened by the fact that in the motion itself there is the implication that the improvements made to the Upper Supply channel are intended also for irrigation purposes. For the past two years, I have been intimately watching the difficulties of the ryots under these tanks. By this Government Order strict rules are made and according to one rule, the water should not be let out for irrigation before the 15th of December of each year. Even though the full tank level is reached much earlier, the Irrigation Department refuse to give water for the ryots before the 15th of December. For some time now, the south-west monsoon has thoroughly failed in these parts and the north-east monsoon during October and November is very rare, and we never get good showers for the upkeep of the crops raised by the ryots. In those days, that is about 1908, when these rules were made there were fairly good rains and the water, if let out from the sluices, would go to waste during the rainy days. Hence such rules might have been in order in those days; but nowadays when the monsoons fail and there is always drought in these parts, especially in the Chingleput district, I feel it is time that these rules are modified. In 1927, paddy crops were withering and the ryots were complaining that they had to go from the Engineer to the Collector and then to the Irrigation Member, and I have also tried my little best to get them some water, but with no success. In 1928 a similar happening occurred, and though late, the ryots were able to get some water for a few days.

"Sir, ryots under smaller tanks fare much better than the ryots under these tanks on account of the hardships consequent on these rules.

[Mr. C. N. Muthuranga Mudaliyar] [9th August 1929

3-45 p.m. " This kind of thing should not be allowed to continue and the Government Order must needs be modified, and the rules should be altered to suit the altered conditions of drought in these days and the ryots' grievances redressed. I therefore move that Re. 1 be reduced from the allotment of Rs. 300 for Irrigation—Reserved."

Mr. ABDUL HAMEED KHAN :—" I second the motion."

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, I think the words which have fallen from the hon. Mover rather go to support the necessity or desirability of carrying out the scheme for which I have asked for a further grant."

Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, it seems to me that the remarks of my hon. Friend, Mr. Muthuranga Mudaliyar, have no particular reference to the demand in question. The demand in question refers to the improvement to the Upper Supply channel in order to increase the water-supply to the City of Madras and whether additional facilities which my hon. Friend from Chingleput wants are granted or not, that seems to me to have no particular bearing to this demand . . ."

* The hon. the PRESIDENT :—" Order, order. The Government propose to spend monies for improving the supply of water to tanks and Mr. Muthuranga Mudaliyar proposes that the existing rules for taking water from the tanks are defective and work hardship and what he means is, that unless the Government modify those rules, he is not going to vote for this demand. How is it irrelevant ? "

Mr. SAMI VENKATACHALAM CHETTI :—" I do not propose to go into the question of irrelevancy at all, Mr. President. I only mean to say that whether Government would comply with the requirements demanded by Mr. Muthuranga Mudaliyar or not, will have no particular bearing upon this question. This improvement may go on irrespective of the claims of the Chingleput people. I therefore support this demand and feel grateful to the Government for having expedited this question."

The motion was put and lost.

The demand was then put and carried, and the grant was made.

GRANT XIV—ADMINISTRATION OF JUSTICE—RESERVED.

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, on the recommendation of His Excellency the Governor I move—

' *that the Government be granted a further sum not exceeding Rs. 4,746 under Grant XIV—Administration of Justice—Reserved.*'

" The object for which this money is needed is fully explained in the note that has been circulated to my hon. Members. The High Court have stated that an additional sub-court is absolutely necessary at Cocanada, and having regard to the figures which they have supplied to the Government, the Government are convinced that a court is necessary for one year from the reopening of the courts in the current year, that is, from 8th July, 1929 till 8th July 1930. The amount needed for that purpose till the end of the current financial year is Rs. 4,746. The Court was actually established on the 8th July, and at that time the Council was not sitting and so the Governor sanctioned the establishment of this Court and its continuance till the end of the current month and that time expires twenty days hence. Thus,

9th August 1929] [Mr. M. Krishnan Nayar]

for the maintenance of that Court subsequent to that date and till the end of the current financial year I come before this House and ask for this grant being made."

* Mr. A. RANGANATHA MUDALIYAR :—"Sir, I move—

'*that the allotment of Rs.* 4,746 *for* "*Administration of Justice—Reserved*" *be reduced by Re* 1.'

"We have all heard of the proverbial law's delays, and such delays, bad as they are generally, are I think very much worse, so far as disposal of civil cases are concerned. I do not think that the Government or for the matter of that, the High Court, have taken all the steps they can to ensure speedy disposal of cases. In many cases, such delays lead to riots of a more or less serious nature. Now, Sir, Government want to reduce the pendency of cases by the appointment of an additional sub-court. Of course the number of pending cases in that particular area may be reduced. But, how are you going to deal with the situation generally? I want to know from the Government whether at least the other courts have done what is reasonably expected of them. For that purpose I want to know the number of ordinary and civil suits pending during the year 1927–28 and 1928–29 and the number of appeals disposed of during those years, so that I may have some data to compare the work done before and after. Government say that they were not able to transfer any of the cases from this court to the sub-courts in the East Godavari district. I wish to know whether those courts in the East Godavari district were doing their normal amount of work and whether they could not have attended to the disposal of the cases pending elsewhere. These are the points on which I want Government to make amends."

* Mr. MAHMUD SCHAMNAD :—"Mr. President, Sir, I wish to support the motion made by my hon. Friend Mr. Ranganatha Mudaliyar. This is a demand for the grant of an additional sum for the appointment of an additional sub-judge at Cocanada to deal with the pendency of cases in that district. I do not know where this policy of appointing additional officers will end. Recently there was a Bill to empower Government to appoint additional judges. Instead of going on adding judges and sub-judges and munsifs, the Government would do well to take steps to reduce the number of cases pending by some other and more economic methods. In the case of sub-judges and munsifs who dispose of cases unsatisfactorily the best thing is to transfer them to places where there is light work. So instead of appointing more sub-judges, if capable officers are transferred to places where there are these delays these pendencies could be cleared without any difficulty and without any additional expenditure. Moreover, there is no inducement for these judges and sub-judges to do any good work, because they get no rewards for doing such work for they get their promotions only in the usual course."

* The hon. the PRESIDENT :—"Order, order. I request the hon. Member to confine his remarks to the sub-judge in the East Godavari district."

Mr. MAHMUD SCHAMNAD :—"Even the sub-judge of the East Godavari district has no inducement, because excepting the usual promotion he does not get his promotion earlier for doing any good work. I am sorry to observe that the High Court has not been doing its duty properly, perhaps as they ought to do to reduce unnecessary expenditure, by either

[Mr. Muhamud Schamnad] [9th August 1929

promoting them according to the quality of their work or by giving them some inducement in some other way. This appointment, I submit, is unnecessary and if proper steps are taken, there will be no pendency at all. With these few words I support the motion made by my hon. Friend."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Mr. President, Sir, some general observations have been made by my hon. Friends Mr. Ranganatha Mudaliyar and Mr. Schamnad. I may say with regard to those observations, that the High Court is paying attention to the work turned out by all the sub-judges and they send reminders and pass censures on the slack work of the subordinate judges. They also take care to recommend persons who do good work, for promotion. I submit therefore that the general observations made by my hon. Friends are not actually borne out by facts. With reference to this particular case for which this token motion has been moved by my hon. Friend Mr. Ranganatha Mudaliyar, you will see that the figures stand thus. With reference to suits actually pending in the beginning of the two years 1927 and 1928, for which my hon. Friend wants information, these are the figures: I have got all the figures in regard to all the Courts in the East Godavari district. In the Sub-Court at Amalapuram in 1927, the number of suits pending was 88 original suits, 149 appeals and in 1928 the corresponding figures were original suits 99 and appeals 199. In the Sub-Court at Cocanada in 1927, the number pending at the beginning of the year was original suits 94 and appeals 152. In 1928, the corresponding figures were 130 and 179 respectively. In the Sub-Court at Rajahmundry in the beginning of 1927, the figures were, original suits 92 and appeals 102, and in 1928, the corresponding figures were 67 and 80 respectively. In the Additional Sub-Court at Rajahmundry the figure at the beginning of 1927 was nil both in respect of original suits and civil appeals, apparently because the Additional Court was not in existence at the commencement of the year. In 1928, the corresponding figures were 51 and 52 respectively. Then with reference to the number of disposals by the sub-judges of these Courts, the figures are these. The Sub-Judge at Amalapuram disposed of 53 original suits and 64 appeals in 1927 and in 1928 the corresponding figures were 60 and 113. In the Sub-Court at Cocanada the number of disposals of original suits and appeals in 1927 was 63 and 106 respectively and in 1928 the figures were 71 and 99 respectively. Then again in the Sub-Court at Rajahmundry the number of disposals in 1927 of original suits and civil appeals was 38 and 79 respectively, and in 1928, the corresponding figures were 33 and 89
4 p.m. respectively. In the Rajahmundry Additional Court, in 1927, the number of disposals was, original suits 17 and appeals 95. Apparently the Court must have been been established some time after the commencement of the year. In 1928, the corresponding figures were 35 and 114. One general observation that I may make with regard to these figures is that they cannot always afford an accurate test of the work done in these Courts. My friends here must know that sometimes one suit occupies a large number of days and this is true especially, in the case of original suits. So, Sir, if my hon. Friend is satisfied with the figures, I hope he will not press his motion."

* Mr. K. V. R. SWAMI :—"Mr. President, the figures now given by the hon. the Law Member will show that the Courts in East Godavari are doing good work with regard to civil suits and appeals. He was pleased to give figures only in respect of original suits and appeals. As regards interlocutory applications he has not given figures and I am sure the number will exceed a thousand

9th August 1929] [Mr. K. V. R. Swami]

a year. Each year each court has to dispose of thousands of interlocutory applications and also execution petitions. And it is not complained anywhere that the sub-courts in East Godavari in particular are not doing their proper share of the work. And the figures also would show that the ordinary disposal is from 30 to 50 original suits and about 100 appeals. As has been observed by the hon. the Law Member it is not easy to measure the work done in a court by the figures we get. It all depends on the nature of the suits. Generally the number of suits disposed of by these additional sub-courts will not be large for they are not given power to receive suits in the first instance. Suits and appeals are transferred to them by the original courts. These original courts themselves dispose of those suits which do not occupy much time. As a result all heavy cases and appeals are transferred to these courts. Necessarily more time will be occupied in the disposal of these suits. Appointment of additional courts wherever there is heavy work is quite essential and that lightens not only the burden of the courts but relieves the litigants as well. It is unfortunate that this court has been started so late because we can see from the figures given that there are suits which are pending for the last three years and more. As a matter of fact, there are suits which have not been disposed of for the last five years. With regard to big suits that should necessarily occupy much time the courts are not generally disposed to take them up because they take for disposal only such cases as would add to the number of disposals; for, otherwise, the High Court chastise the sub-judges for not having disposed of enough number of cases. For fear of that, they always take up small cases and keep on the big ones pending for long, sometimes so long that the litigants in those cases become paupers on account of the heavy expenses. The only remedy for this is the establishment of additional courts whenever necessary so that the old suits might be disposed of. The cost will not be more, as is feared by my hon. Friend, Mr. Schamnad. I am sure he has got experience of some of these courts, and generally they always try to show more work than they could ordinarily do. I cannot agree with my hon. Friend, Mr. Schamnad, that these people are very slack in their work because their pay is not attractive enough or sufficient enough. I have always thought that these people are properly paid and perhaps heavily paid, more heavily than the country could afford. Quick disposal is not after all a thing which should be encouraged for justice may sometimes fail if quickness were the test. If a judge knows that his promotion would depend on the number of cases he disposes of, he would try to dispose of somehow or other without caring for the ends of justice. In no country it is measured by the number of disposals or by the emoluments that they generally get. The sub-judges have to avoid all kinds of attractions and they have to work like honest men and dispose of cases to the best of their ability and receive the rewards like any other person. I am glad that the hon. the Law Member has brought this motion here and has set up this additional court even before obtaining the permission of this House, because as a lawyer he has been quite sure that this House would not stand in the way of expenditure of this sort. I only request him to be more expeditious in this matter and prevent the pauperization of the litigant public. With these words, I oppose the amendment."

* The hon. the PRESIDENT :—" The question is

'*that the allotment of Rs. 4,746 for Administration of Justice—Reserved, be reduced by Re. 1*'."

The motion was put and lost.

[9th August 1929

* The hon. the PRESIDENT :—" The question is—

'*that the Government be granted a further sum not exceeding Rs.* 4,746 *under Grant XIV—Administration of Justice—Reserved*'."

The demand was put and carried, and the grant made.

GRANT XXXI—CIVIL WORKS—TRANSFERRED.

The hon. Mr. M. R. SETURATNAM AYYAR :—" Sir, on the recommendation of His Excellency the Governor, I beg to move—

'*that the Government be granted a further sum not exceeding Rs.* 500 *under* '*Civil Works—Transferred.*'

" This provides for token demands for (*a*) additional establishment required in connexion with repairs and improvements to roads in the West Coast to be carried out by the Public Works Department, Rs. 100, (*b*) soling Pollachi-Vannanthorai Road, Rs. 100, (*c*) reconstruction of the bridge at 36/5 on the Calicut-Mysore Frontier Road, Rs. 100, (*d*) construction of a girder bridge on the Ootacamund-Mettupalaiyam Road, Rs. 100, and (*e*) formation of a special division for investigation of irrigation schemes in the Trichinopoly district, Rs. 100.

" Sir, the need for the grant is explained fully in the explanatory note circulated to hon. Members and the Finance Committee has recommended the grant. I now come before the House for its sanction."

* Mr. R. NAGAN GOWDA :—" Sir, I move—

'*that the allotment of Rs.* 500 *for Civil Works—Transferred—be reduced by Re.* 1.'

" Sir, I move this to ascertain the reasons for which the Pollachi-Vannanthorai Road was taken by the Government from the District Board of Coimbatore. This was a second-class road under the control of the Coimbatore District Board until about four or five years ago. The Government, since they took charge of the road, have spent already through the Department of Public Works Rs. 71,000 and they propose now to spend another sum of Rs. 77,700, in all a sum of Rs. 1,50,000. This road is a comparatively small road, just thirteen miles in length. I know of roads in other parts of the country, a great deal longer and probably much more used and more important than this road which could very well be said to justify soling by the Public Works Department. While there are so many more important roads, the Public Works Department have taken over this road and have spent a large sum of money and I cannot understand why. Besides, I wish to make another point. This road, as I have said, was a second-class road under the control of the District Board of Coimbatore. I do not think there is any one here, Sir, who will say that the District Board of Coimbatore is a poor board. There are a great many poorer districts. And Coimbatore could very well take care of this second-class road. Sir, this road serves the convenience of big farmers and other large estate holders and villages along the road and it is the duty of the Coimbatore District Board to see that the tax-payers' needs are satisfied and it has got large enough funds at its disposal since it is a reasonably rich district. I can very well imagine this particular road being kept in good condition when it was taken over by the Public Works Department. If it were not so, it was the duty of the

9th August 1929] [Mr. R. Nagan Gowda]

Government to ask why the district board was not doing its duty. Assuming the road was in a pretty good condition when it was taken over by the Public Works Department, I do not see the reason why the Government should have spent Rs. 71,000 already and propose to spend another sum of Rs. 77,000, which would mean an expenditure of Rs. 11,000 per mile. I think, Sir, that the Government are not justified."

*Mr. C. V. Venkataramana Ayyangar :—" Sir, I know a little about this particular road and I may say that just on the Anamalai hills there is a very large tract of plantations, and a very large number of labourers from Coimbatore and the neighbouring districts come to work upon these plantations. Whether these labourers go there rightly or wrongly, the fact remains that they go there and earn their livelihood and so far as the state of their health and other conditions were concerned, I made an investigation into the matter a few years ago and prepared a long memorandum. So far as this road is concerned, it was in an unfortunately bad position when the Government took it over, I believe, in 1925.

" I do not want to blame the district board on the fact that it did not do its proper work. But it must be remembered that as there is a very large population of labourers on these plantations on the hills, the number of carts and the number of motor conveyances that go on this road is very large. And I know as one connected with the society for the prevention of cruelty to animals that a very large number of bulls that go on the road up the hill healthy come down sick because the road is in a bad condition so that no good bull that goes up can go down safely from these hills. It was therefore that the Government rightly thought that it should spend some more money on repairs to this road. It may be that the Government want to spend a large sum this year as the road is very bad. I may say, Sir, that I am neither interested in any of the plantations there, nor am I a shareholder in any of the companies so far as those plantations are concerned. I went there simply as a matter of public duty, to do public work, to investigate into the question of plantation labourers, and I prepared a very large memorandum and submitted copies both to the Government and the planters on the remedies that should be effected by the Government and the planters. That was my only interest in the matter and I hope I shall be able to make such visits hereafter also, so far as this road is concerned. My Friends probably think that I am going to support this demand fully. Having spent already a large sum of money, the Government no doubt want to keep that road in a very good order. There are some points which the Government should consider before they decide as to whether the expenditure of this additional money is necessary or not. Originally the whole road both below the ghauts and up the ghauts was maintained by the Department of Public Works and they had spent a very large sum of money on the road of 36 miles. The planters have started a ropeway just at the place where it is called Vannanthorai. Now the carts have generally to go only up to that particular place and generally a large number of motor cars are going up to this point only. All the grains and other things have also to be taken. There are large numbers of labourers on the plantations, etc., and they have to be supplied with grains, and to take these grains also the carts have to go along this road. Recently the Government have sanctioned, for a tramway or what is called a rutway, to be constructed by the Provincial Railway Corporation of Trichinopoly. If that rutway or the tramway is to

4-15 p.m.

[Mr. C. V. Venkataramana Ayyangar] [9th August 1929

be erected, these numbers of carts will be considerably reduced. And I am asking the Government to state when this rutway is likely to come into force; and if there is any chance of this rutway being erected very soon I think there may not be any necessity to sole this road. I believe the soling took place in 1925, though not on a very grand scale, at least on a good scale. Therefore I am anxious to know if there is a chance of this rutway or tramway being put up very early, and if so the re-soling at very large cost is necessary.

"The second point I want to mention is this. I saw in the newspapers recently that the South Indian Railway Company are authorized to have a survey of a branch line from Pollachi to the foot of the hills. If that is so, this road will not be necessary, because all the samans wanted up the hills, may be taken up and the tea, coffee and other products of the plantations can be brought to Pollachi by train, and there need not be such a strong road. But I am satisfied that if it will take a long time to put up this rutway or a long time to construct this branch line, I myself would consider that in the interests of these poor labourers and other people, as well as animals the making of a pucca road is necessary and if the Department of Public Works is satisfied that this expenditure is necessary, I for one would strongly support this demand."

* Mr. G. Harisarvottama Rao :—"Mr. President, Sir, this demand seems to have a very peculiar history of its own. We are told that the district board prepared an estimate and that it was for Rs. 49,000. We are also told that the estimate was endorsed by the Chief Engineer and the Superintenting Engineer and yet it was turned down by the Government. Later there was a move that this road should be set right. And now what we are asked to vote for is not an expenditure of Rs. 100, that is the token demand now moved, but for an aggregate expenditure of about Rs. 3,53,000. Now, Sir, what flaw there was in the estimate of the district board I am not able to realize. I know I shall be told that the district board wanted only a particular thing to be done and this is an extension of that. There is a great difference in the amounts of the estimates, as also in the agency that is intended to work this road. The district board was the first to have taken up some part of the work included in this demand. As it has been revealed to us by the hon. Member for Coimbatore, it appears as though the interests of the capitalists there are involved in this affair. Though my hon. Friend put it on the basis of labourers, he also intimated to us that there was a move for a tramway, and if there is a move for a tramway why this roadway becomes necessary is a thing beyond my comprehension. The Government must have thought twice before they came to us with this demand if they had in mind this tramway at all. And if that tramway is there this roadway is certainly superfluous. But whatever it may be, why I rise in my place to oppose this motion is this. It is intended by a number of token motions to achieve an object which must have formed the subject of substantial motions. To-day before us we have a number of motions tabled on behalf of the Public Works Department and all these motions are of the nature of token motions, and this is one of them. I find, Sir, that the Public Works Department has become a white elephant and its demands are such as to make it impossible for us to comprehend where they lead us to. As a matter of fact in this matter you will see that the token demand has to cover a very large amount and it is also stated that money will be found out of the amount already sanctioned by this Council.

9th August 1929] [Mr. G. Harisarvottama Rao]

That means that the Public Works Department is encouraged to have at its disposal very large amounts, and to reappropriate these amounts as it pleases. This certainly is not right because the Public Works Department becomes irresponsible in its programme and we see it to our own cost. There is a demand for expenditure on public works in districts which are poor like mine, to wit, the Kurnool district, the Anantapur district and others. We are not at all taken into consideration in the programme of the Public Works Department in any manner that can be called graceful. We have to press on the attention of the Public Works Department our own claims in such an emphatical manner and yet we cannot get anything out of the department. Moreover, there is a tendency on the part of the Public Works Department to feel itself almost independent of even the Collector. I feel, Sir, that even addressing Collectors in the districts is of no use when the Public Works Department is concerned. The reason for it appears to me to be that the Public Works Department is encouraged in its irresponsibility by this kind of coming to this House with token motions. This is a very bad policy to follow, and the Public Works Department in my opinion can never be brought to its senses with regard to the programme that it has to take up until it is forced to yield up its surplus treasure that it has got in the form of extra monies reserved for it and until the Government takes pretty good care to decline to go to this House formally by means of token motions. I specially wanted to draw the attention of the hon. the Minister and others in regard to this matter. There is an impression in the country that it is very difficult to get the Public Works Department to understand the people's suffering. It is very difficult to get the Public Works Department to realize the ryots' difficulties and attend to such defects because the Public Works Department has become the master of the situation. In so far as their financial condition is concerned, they have plenty of money in their hands and they are utilizing that money by reappropriations wherever they consider that it becomes necessary out of some kind of favour or partiality or whatever you may call it for a particular work. I feel that this work for which this demand is made on the floor of this House to-day by the hon. the Minister for Development is a work of that nature. It certainly has some vested interest in it, and that vested interest has certainly influenced the Government to come to us and ask for a vote on this matter, because it has to get this road made. My Friend, the hon. Member for Coimbatore, put in an eloquent plea on behalf of labourers and he said that they would suffer. I do not want that the labourers should suffer at all, but a well made road with soling is not an essential for the labourers, nor is it essential for carrying goods. In our own districts the difficulties that we are feeling with regard to roads is very great. It is so great that on account of that difficulty of roads we are not able to get fuel at cheap rates. Even this morning a question was asked on the floor of this House and answered that on account of want of carts the price of fuel has risen. There are many places where money is required for expenditure on public works. The poor districts are suffering from poorer roads, and I believe an item of expenditure on an object like this is a luxury practically in so far as it is also mentioned on the floor of this House that the construction of a tramway is in contemplation.

" There is a feeling in the country that the Public Works Department is 4-30
becoming intolerable, and those who control the destinies of the Public p.m.
Works Department in this House must have a perfect control over the

department and see that the programme of the Public Works Department is such as to benefit the largest number in the country to the largest extent possible, see that relief is given to people where they suffer most and also see that the expenditure is not so made as to serve only special interests or special concerns."

* Rao Bahadur C. S. Ratnasabapathi Mudaliyar :—" Mr. President, Sir, as the District Board of Coimbatore was referred to by more than one speaker, I think I should intervene in this debate. It was about the year 1925, that this road was taken over by the Public Works Department from the district board, on the score that the road should be maintained in a first-class condition. Sir, I must say that the road, when it was handed over to the Public Works Department about the year 1925, was not as bad as it was last year. (Hear, hear.) The district board has been on an average spending about Rs. 10,000 a year for the repair of these thirteen miles of road, and now, after the Public Works Department had taken over the maintenance, in the course of three years they have spent over a lakh and fifty thousand rupees on these thirteen miles alone, and still they want Rs. 75,000 in addition to the allotments already sanctioned.

" The hon. Member for Bellary, Mr. Nagan Gowda, said that the District Board of Coimbatore is rich and that they could afford to maintain the road. I must say that the District Board of Coimbatore is not as rich as some other district boards in the province. They forget that this district board has to maintain over one thousand five hundred miles of road every year and the district board's jurisdiction after all does not contain wet areas as Tanjore, Godavari and other districts. Whatever that may be, Sir, as the road has been taken over by the Public Works Department, I am of opinion it should be maintained in a first-class condition, not only for the benefit of the planters but also in the interest of the number of other villages which would be benefited by this road. We have got the Kottur, Malayandipatnam, Samathur and other villages whose inhabitants also have to use this road, and so it will be to the benefit of both the planters and the Indian ryots.

" The Public Works Department has established a toll-gate on this road, and as hon. Members are aware the rate of toll fee collected at this gate is double of what it is at the local board toll-gates. So, when the people are paying double the rate of toll fees, the road must be expected to be maintained in a first-class condition. Whether all the whole sum of Rs. 75,000 will be spent on this road, I cannot here say ! If more than one lakh and fifty thousand, already said to have been spent, had been spent upon it, I think the road should have been in a first-class condition by now. On principle, I say that instead of such heavy sums being spent by the Public Works Department, if half the amount is granted to the district board, the road could be maintained in a much better condition. As, however, the road has to be maintained in the interest of the general public, I support the main proposition. (Laughter.)

" With these few words, I oppose the amendment and support the grant."

* Mr. V. I. Muniswami Pillai :—" Sir, I am one of those who have been watching the progress of the plantations on the Anamalai hills within the last twenty years. Sir, the labouring population in these plantations are

9th August 1929] [Mr. V. I. Muniswami Pillai]

mainly drawn from the depressed classes, and the main road used by them happens to be this particular road in question. Recently, Sir, due to heavy rains, it is known to everybody how Nilgiris was isolated from other districts, on account of which famine must have been the order of the day. But due to other roads from Mysore, the situation was eased.

"Sir, we know that large capital from foreign countries has been invested on the Anamalais, and the plantations concerned have risen in thousands of acres. And I think it is a national asset to safeguard the interests of these plantations and consequently the interests of the labouring population. If so, a road of this kind must be maintained in very good condition. I think this is the only road that communicates with the Anamalais. I know planters have been trying to find other communications through the Cochin State as well as through Pollachi by having tramlines and ropeways. But so far, I do not think they have come to a satisfactory conclusion. I think this is a well-spent item by the Government, and I therefore strongly support the demand for grant."

* Mr. K. V. R. Swami :—"Mr. President, this is a very curious motion. Now, the House is aware that this road originally belonged to the district board as all other roads. For reasons best known to the Government itself, this road was taken away from the district board much against the will of the district board, as would appear from the speech of my hon. Friend, Mr. Rathnasabapathi Mudaliyar. They perhaps thought that the district board would not be willing to spend so much money on this road, and make it a pucca road, and so it was taken away from the district board. Now, they propose for a road of thirteen miles to spend Rs. 77,000 for the present, I suppose. In future, they may spend more.

"Now, my hon. Friend, Mr. Venkataramana Ayyangar, spoke in such a way that it is hard to find out what he really meant. He said that this road was not at all necessary at present and that they might wait. He also said that it was necessary because poor labourers are suffering, and the animals much more. He puts labourers and animals under one head and speaks with greater sympathy for the animals. As for the planters, he did not mention them at all. According to him, this road is intended only for the benefit of the poor and especially bulls. I do not know what sort of bulls he meant. (Laughter). My hon. Friend, Mr. Rathnasabapathi Mudaliyar—of course he knows the locality very well having been President of the District Board—he says this road is also used by some villagers. I cannot understand him. Because, there is not a single road in India which is not used by somebody or other at one time or another. If a road is put in the innermost part of the Agency tract, some hillman or other will use it. Unfortunately, there are some villages adjoining this road, and so let us spend all this money on it in the name of the poor villager or the labourer. If both of these fail, the bulls are at our disposal. (Laughter). The bulls suffer so much that they cannot climb up the hills, and so they want roads fit for motor-cars. The bulls cannot bear to walk on the sandy paths, but should have roads on which the motor-car can move very smoothly. That seems to be the discovery of my hon. Friend, Mr. Venkataramana Ayyangar. We have to dwell upon his statement because it comes from Mr. Venkataramana Ayyangar, to which we should attach some value. As for the Ministers,

we know the situation of the Ministry. The Minister is not his own master. The Ministers are there by sufference and, so they have to be tender to every party which is likely to support them. They have got enemies enough to contend with. If they cannot make friends of those who sell their votes for some return, they cannot be there at all."

Rao Bahadur B. MUNISWAMI NAYUDU :—"Is it in order for the hon. Member to say that some hon. Members are selling their votes?"

* The hon. the PRESIDENT :—"The hon. Member will have to withdraw the statement."

* Mr. K. V. R. SWAMI :—"I certainly withdraw it, Sir. Of all people, as it is objected to by my hon. Friend, Mr. Muniswami Nayudu, who knows these matters better than I do, I am willing to withdraw it.

"So, it is no good attacking my hon. Friend, the Minister, who has simply to carry out the orders that are placed in his hands and try to get the estimates passed. What is our position in this House? Certain amounts are set apart for local bodies, and these funds are distributed amongst them, and they want to show that all these moneys are being provided for for the rural areas, and they make a very big thing out of it. Now, all on a sudden they want to oblige certain interests, and so they take up the road and try to maintain it themselves. What is the special reason in this particular case? Why should the Government take up this road under its control? Cannot the district board manage it? My hon. Friend, Mr. Ratnasabapathi Mudaliyar, has given an assurance to this House that if half the money is granted to the Board he would maintain the road in proper condition. (A voice: 'In much better condition.') Why not give him that money and hand over the road to him? Perhaps, certain interests do not like that they should approach a President of a District Board for any favour, for any repairs, or for anything of that sort. So, it is always better that these things should be in the hands of the Secretariat and in the hands of the Ministers. Otherwise, they have not made out a case why this road was taken away from the district board, especially when my hon. Friend, Mr. Ratnasabapathi Mudaliyar, says that the road was kept in a better condition while it was under the control of the district board, than it is now.

"And now, how many people does it serve? My hon. Friend says there are two villages to be served by it. Can this Government afford to spend Rs. 77,000 for two villages alone? How many villages are there, where there is no road connexion at all, but which are suffering for want of communication. It is true my hon. Friend, Mr. Venkataramana Ayyangar, said that it might be indirectly useful to these poor planters. Why not these companies put some money in this also, when it facilitates their work? There are many companies making lots of money with the help of those labourers for whom my hon. Friend feels very much sympathy. They take away all the money from this country, and the Government has got to oblige these gentlemen with better roads in the name of the poor people. The labourer does not want roads, but he wants a little more money for his own food. He does not want a motor-car road, I am sure. Why not state the

9th August 1929] [Mr. K. V. R. Swami]

real reason why you want this road for? If the plantations fetch so much more income on account of this road and if they want it, and if the Government is hard put to oblige certain interests, you can say like that. Why put it the other way? 4-45 p.m.

"So at this time, if the Government really mean business, if they want to observe economy and care for the tax-payer, they can take up the offer made by the hon. Member, Mr. Ratnasabhapathi Mudaliyar, that he could keep this road in proper condition with half the money. So, I hope the hon. the Minister will withdraw his motion and hand over the road to my friend."

* The hon. Dr. P. SUBBARAYAN :—"Mr. President, I am surprised at such a long discussion taking place at this late hour on the Pollachi-Vennanthorai road. I think Mr. Venkataramana Ayyangar has explained that it best serves the labourers of the district. I want to answer my friend Mr. Ratnasabhapathi Mudaliyar who, I am glad to see, has offered to maintain the road at half the cost the Government puts on it. I am sure my hon. Friend will withdraw his suggestion, because if he is really going to help the Government in this way, I am sure they will only be too glad to accept the offer of the Coimbatore District Board to keep the road in repair at half the cost. It is only fair to that District Board to say that they give Rs. 500 a mile for 30 miles from their funds. We have heard a lot about the planters contributing to this. They also contribute Rs. 200 a mile for the 13 miles, in order to keep it fit for traffic. This road is an important line of communication leading from Coimbatore into the plantations. Goods and material have to be brought down, food has to be taken up to the labourers, labourers have got to travel by it and draught bulls of which Mr. Venkataramana Ayyangar spoke have also to be considered, and if the road is not in good condition they will find it difficult to go uphill, for in the black cotton soil, in the rainy season, these bulls find it difficult to carry loads. That is the reason why soling is undertaken. Soling will make the road fitter for traffic and when metal is spread over it it will not need repair for long. And when it is handed over to the President, District Board, in that condition it will be easier for him to keep the road in good condition. So, I hope the hon. Members will see their way to vote aginst the amendment and support the grant."

Rao Bahadur B. MUNISWAMI NAYUDU :—"Sir, after hearing the Chief Minister I do not propose to give my vote one way or the other. But I want to speak on the general principles as to why Government should take up roads which are under the management of the district boards, why the Public Works Department should be entrusted with the improvement of the roads at a cost which is higher than what it would cost the district board. But anyhow, in view of the statement that he made, that for maintaining it, contributions would be made by the district board concerned and by the planting interests, the question would be how far those interests would continue to contribute if it is re-transferred to the district board. If on consideration of these things it is possible to re-transfer it to the district board, I will welcome it. At the same time I press on the attention of the Government that with regard to roads which require attention it is not a good system to spend such enormous sums as the Public Works Department are doing. It is better to give grants to the district boards and make them spend the money. I want to know whether the planting interests are willing to pay Rs. 200 a year

permanently or whether it is only for a temporary period, and secondly whether they would claim any concession by way of exemption from toll fees. On these two points I want to know what the hon. the Minister has to say."

* Sriman BISWANATH DAS Mahasayo :—" Sir, after hearing the remarks that fell from my two hon. Friends from Coimbatore, I wish to point out certain difficulties in the way of the Government starting a toll-gate in the 13th mile of the road. I think the Local Boards Act clearly lays down that no toll-gate shall be started or established within a distance of 20 miles. It is illegal on the part of the Government to have started a toll-gate in the 13th mile. Not being satisfied with that, they added another illegal act by doubling the toll-fees."

* The hon. the PRESIDENT :—" We are getting into the establishment of toll-gates. I do not think it is at all relevant to this debate."

* Sriman BISWANATH DAS Mahasayo :—" To raise money for the upkeep of the road they have to double the fees trampling under feet the Local Boards Act regarding the toll-gates. That is an illegality which the House should not tolerate. Regarding roads, the Habib-ul-lah Committee which sat in 1918 laid down very definite recommendations in regard to their maintenance by Government and local bodies. Those recommendations were accepted by the Government, and instructions were issued to the local bodies and grants distributed accordingly. In those recommendations, the maintenance of the second-class roads is made a charge on the district board. It is therefore unfair on the part of the Government to have taken up the maintenance of this road and made it a charge on the provincial finance. If such a thing is done, I think other local bodies will be justified in approaching Government for a modification of the rules. A rule is a rule, and I think no modification or alteration ought to be allowed.

" Then, Sir, you have been allowing only Rs. 500 for the maintenance of trunk roads. Why then do you allow so much expenditure on the maintenance of 13 miles of this road? If the planters want the road, I think it is better to give it to them on a lump sum contract, and let them maintain it if it is useful to them. Then, Sir, some of my hon. Friends said that the road under discussion has been very useful for laden bullocks. I think it is not at all useful to the labourers. If toll-fees are doubled it will be a great hardship to the labourers concerned. Under those circumstances, I say it is a departure from the ordinary rules and instructions laid down by the local Government on the recommendations made by the Habib-ul-lah Committee. It is unjust on the part of Government to levy toll-fees at double the rate on laden bullocks. It is very unfortunate that my hon. Friend representing the Coimbatore district should come and say that it benefits the villager.

" A word also to my hon. Friends of the European constituency. We are not against the planters. Of course, their interests have also to be protected by Government. But what I mean is those who want special benefits for themselves have to pay more. So, if the planting community wants that a special road should be constructed or special repairs should be made, I think it is but fair on their part to come forward with liberal contributions or take it on a lump sum contract, so that it may be a relief to that extent to the provincial exchequer. But to give a grant of one and half lakhs for the maintenance of 13 miles is something awful to contemplate. Why should such a large allotment be made for this road is not explained. The hon. Mr. Ratnasabhapathi Mudaliyar has damned the whole thing in his speech. I only would appeal to all the hon. Members to vote down this demand."

9th August 1929]

The hon. Dr. P. SUBBARAYAN :—" My hon. Friend talked of damning the whole thing. Is it parliamentary ?"

* The hon. the PRESIDENT :—" If I understood him aright, he said that the hon. Member for Coimbatore has damned the proposition."

* Sriman BISWANATH DAS Mahasayo :—" I thank you very much, Sir, for having followed me and thus saved me from an apology which would otherwise be necessary. That being the position, I think the Government is least justified in coming forward for a grant of this sort. I think it is for this House and the hon. Members to teach them just to follow the laws that have been enacted by this hon. House and to follow the instructions that have been issued by Government by their predecessors in office. So, I think Government have not been fair to themselves, they have not been fair to the members of this House, nor have they been fair to the labourers about whom so much has been said, because laden animals have to pay double fares. So I think the Government have done the least justice in this matter, and the only reply this House could give is to vote down the grant. With these words, I very strongly support the amendment."

Mr. J. A. SALDANHA :—" Mr. President, I rise to protest and protest strongly against this whole grant. The Habib-ul-lah Committee and the Roads Committee held last year at Delhi have enunciated a clear policy in the matter of Government taking over roads or making grants to local boards. Their recommendations are before us. We have got a very serious grievance in our district, and I am sure other members from South Kanara will join me."

* The hon. the PRESIDENT :—" The hon. Member may vote against the grant if he has got a grievance regarding his own district. But I do not think he will be justified in straying outside the scope of this motion to describe the conditions of his own district. The Council will now adjourn."

The House adjourned to meet again at 11 a.m. the next day.

VI

PAPERS LAID ON THE TABLE.

1. *G.O. No.* 995, *Development, dated the* 10*th June* 1929, *recording the audit report of the Kerala Soap Institute, Calicut, for the quarter ending* 30*th September* 1928.

2. *G.O. No.* 1012, *Development, dated* 14*th June* 1929, *recording the audit report of the Fruit Preserving Institute for the periods ending* 31*st March* 1928 *and* 31*st December* 1928.

3. *G.O No* 1316, *Law and Education Department, dated* 28*th June* 1929, *recording the report of the Madras University Inspection Commission.*

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

1, 2 and 3 printed separately.